

Chairman Vap called the regularly scheduled meeting to order at 10:04 a.m. with Commissioners Lowell Johnson, Rod Johnson, Landis and Vap present and Commissioner Boyle excused.

#### GENERAL ADMINISTRATION

Notice was duly published July 26, 2005 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held August 2, 2005 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Tuesday, August 2, 2005:

Rule and Commission Hearing Room, Lincoln.  
Regulation In the Matter of the Commission, on its own motion, seeking  
#165 to amend Title 291, Chapter 5, Telecommunications Rules and  
1:30 Regulations, to add rules for designating eligible telecom-  
munications carriers in Nebraska for the purpose of receiv-  
ing federal universal service support. Commissioner Jerry  
Vap presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of the complaints received in the preceding month.

C-3437 In the Matter of BCE Nexxia Corporation, Ottawa, Ontario, Canada, seeking authority to operate and offer facilities-based and resold interexchange telecommunications services throughout the state of Nebraska: Motion made by Commissioner Rod Johnson, seconded by Commissioner Lowell Johnson, to enter an order to grant the application. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not Voting.

C-3439 In the Matter of BellSouth Long Distance, Inc., Atlanta, Georgia, seeking authority to provide competitive facilities-based and resold local exchange services within the state of Nebraska: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order to grant the application. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not Voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3454/  
PI-103      In the Matter of the Commission, on its own motion, seeking comment on the request by United Way of the Midlands to be assigned the use of "211" in Burt, Cummings and Thurston counties for access to First Call for Help (FCFH), a comprehensive information and referral service: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson, to enter an order to open the docket. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not Voting.

W-010      In the Matter of Lakeland Estates Water Co., Blair, seeking authority to increase rates effective July 1, 2005: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to enter an order continuing the hearing scheduled for September 14, 2005, to October 3, 2005, at 6:00 p.m. in the City Council Chambers, City Hall, 218 South 16<sup>th</sup> Street, Blair. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE, Commissioner Anne Boyle Excused Not Voting. Commissioner Lowell Johnson was appointed as the Hearing Officer.

Don Gray advised the Commission that representatives from the NeuStar numbering administration have offered to provide a briefing to the Commissioners and industry representatives on trends and changes in numbering resource administration and potential impacts on the life of Area Codes 308 and 402. Upon agreement of all Commissioners present, a workshop was scheduled for August 11, 2005 at 10:00 a.m. in the Commission Hearing Room, Lincoln.

Commissioner Boyle entered the Commission Hearing Room.

C-3049      In the Matter of the Commission, on its own motion, seeking to conduct an investigation into possible solutions for extending the life of area codes 308 and 402: Gene Hand updated the Commission on the status of the docket and discussed the staff data request being drafted.

Gene Hand reported on the Intercarrier Compensation Workshop and the NARUC Telecommunications Committee meetings held during the NARUC Summer Committee meetings in Austin, Texas.

UNIVERSAL SERVICE FUND

Camelia Rogers reported on Late-Filed Carrier Remittances. Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to grant a one-time waiver to Protel Advantage, Inc. for the late-filed worksheets of July 1999 through May, 2005. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

UNIVERSAL SERVICE FUND (Cont.)

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to approve payments made for three hospitals that switched hub hospital locations in the Telehealth Program. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Camelia Rogers reported on the hospitals that are currently receiving the Telehealth Program payments.

Camelia Rogers provided a summary of the Smith/Dorgan legislation introduced in the U. S. Senate on Friday, July 29, 2005. The Commission requested that Camelia Rogers advise the Governor and Senator Ben Nelson of the Smith/Dorgan Legislation.

NUSF-44/ In the Matter of Jeffrey L. Pursley, Director, Universal  
DC-69 Service Fund Department, Complainant, v. AT&T Communica-  
tions of the Midwest, Inc., Defendant: Shana Knutson  
discussed the July 27, 2005, Hearing Officer's Order.

E911 DEPARTMENT

Kara Thielen advised the Commission that an implementation letter had been received from the Douglas County Board of Commissioners.

NATURAL GAS DEPARTMENT

NG-0029 In the Matter of the Commission, on its own motion, seeking  
to conduct periodic reviews of natural gas supply purchas-  
ing plans of jurisdictional utilities. Commissioner Landis presiding  
as Hearing Officer: Motion made by Commissioner Frank Landis, seconded  
by Commissioner Lowell Johnson, to enter an order granting the Public  
Advocate's petition to formally intervene. Motion passed with Commis-  
sioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and  
Jerry Vap voting AYE.

NG-0030/ In the Matter of the Commission, on its own motion, seeking  
PI-98 to conduct an investigation of alternative rate design for  
commercial and industrial ratepayers: Motion made by Com-  
missioner Rod Johnson, seconded by Commissioner Frank Landis, to enter  
an order granting the Public Advocate's petition to formally  
intervene.

Angela Melton reported on the number and nature of natural gas consumer inquiries and complaints received during the previous month.

## LEGISLATIVE REPORT

Angela Melton provided the following update on Commission action regarding Legislative bills that were passed during the 2005 session:

### Grain:

Commission Action Required: Rules and regulation changes have been drafted incorporating language from LB 52, 439, and 492. A meeting with interested parties was held on July 25 to discuss the rule changes and to conduct an industry education campaign. The previous rules and regulations, which contained some of the provisions from LB 439, have been approved by the Governor's office. A statewide video conference has been scheduled for August 22 in an effort to begin educating warehouses about the new changes in the rules and law.

### E911:

Changes to rules and regulations necessitated by LB 516 have been drafted and a rule and regulation proceeding will be opened soon.

A docket has been opened to gather information and provide a report for the legislative study.

### Communications:

LB 645 and LB 689: Appointments to each task force have been completed.

### Housing:

LB 319: A rule and regulation proceeding will be opened to incorporate new fining authority for violations of the Nebraska Uniform Standards for Modular Housing Units Act, the Uniform Standard Code for Manufactured Homes and Recreational Vehicles, or any Commission rule or order.

### Miscellaneous:

LB 373: We are in the process of modifying our internal rule and regulation procedures to comply with the additional notification requirements.

TRANSPORTATION DEPARTMENT

B-1666        In the Matter of CABS, Inc., Sioux City, Iowa, seeking authority as a common carrier by taxicab in the transportation of passengers and their baggage over irregular routes between points in Cedar, Dixon, Dakota, Wayne, Thurston, Stanton, Cuming, and Burt counties, on the one hand, and, on the other hand, points between said counties. Commissioner Rod Johnson presiding as Hearing Officer: The video hearing previously scheduled for July 27, 2005, was continued to September 1, 2005 at 9:00 a.m. in the Commission Library, Lincoln, and City Hall, 1615 First Avenue, South Sioux City.

M-14147       In the Matter of Mark Breiner, Director, Motor Transportation Department, Complainant vs. Jeannie Murphy Matthews, dba Murphy Moving, Inc., Respondent: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis, to enter an order dismissing the show cause and cancelling the hearing scheduled for August 2, 2005. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Rate Division

BR-300        In the Matter of MAVM Ventures, LLC, dba A & B Shuttle, Omaha, seeking authority to adjust its rates and charges: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to enter an order to grant the application as modified. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

LR-257        In the Matter of Brown's Crew Car of Wyoming, dba Armadillo Express, Cheyenne, Wyoming, seeking authority to utilize a fuel surcharge: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson, to enter an order granting the application on an emergency basis. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

MR-930        In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-F: The fuel surcharge was retained at 50 cents per mile.

GENERAL ADMINISTRATION

              Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to approve the following Commission invoices. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

GENERAL ADMINISTRATION (Cont.)

|  |             |
|--|-------------|
| DAS Communications                                 | \$ 2,533.56 |
| DAS-Materiel-Copy Services                         | 2,167.36    |
| DAS-Materiel-Office Supplies                       | 612.57      |
| DAS-Materiel-Postage                               | 1,022.64    |
| DAS-Materiel-Purchasing Revolving Fund             | 4,925.00    |
| University of Nebraska-Bureau of Business Research | 13,090.00   |
| Liberty Consulting Group                           | 5,111.25    |
| Robert Bowman                                      | 593.63      |
| Donald Gray  | 582.01      |
| Maurice Gene Hand                                  | 994.24      |
| Fred Massing                                       | 679.11      |
| Jeff Pursley                                       | 1,397.56    |
| Anne Boyle   | 592.85      |
| Anne Boyle   | 1,267.94    |
| Lowell Johnson                                     | 574.05      |
| Rod Johnson  | 342.94      |
| Frank Landis                                       | 200.86      |
| Gerald Vap   | 761.44      |

The following Commission invoices were paid between  
July 19, 2005 and August 1, 2005 and ratified by the Commission:

|                          |             |
|--------------------------|-------------|
| Liberty Consulting Group | \$ 3,992.04 |
|--------------------------|-------------|

Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to authorize Scott Elston to travel out-of-state as needed for his training with the Federal Railroad Administration. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to authorize the surplus of an IBM Selectric II Typewriter. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to go into closed session to discuss personnel and investigatory matters. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE. The Commission went into closed session at 10:50 a.m.

Motion made by Commissioner Rod Johnson, seconded by Commissioner Lowell Johnson, to return to open session. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE. The Commission returned to open session at 10:53 a.m.

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to open the position and advertise for a full-time motor transportation investigator. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

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The meeting adjourned at 10:55 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on August 9, 2005, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on August 8, 2005.

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Chairman

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Deputy Director